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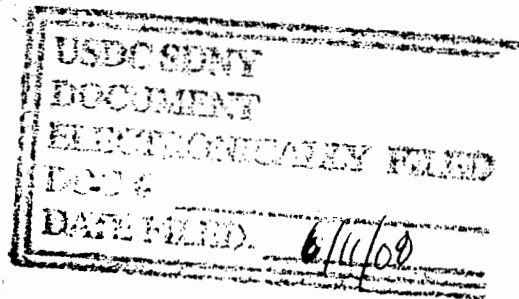
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MEMO ENDORSED

May 30, 2008

BY HAND

Honorable Kevin Nathaniel Fox
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Antoine Gumbs v. C.O. James, et. al.,
07 Civ. 10552 (RJH) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, recently assigned to the above referenced case in which the City of New York is not a named defendant. I write in response to the Court's order of April 24, 2008, directing that the Corporation Counsel for the City of New York, by May 30, 2008, "obtain and furnish to the plaintiff information including, but not limited to, the 'disciplinary ticket (misbehavior report)' issued to the plaintiff on August 16, 2006, that will assist him in learning the full names, shield numbers and work locations of each defendant."

Enclosed please find documents pertaining to the incident alleged in the complaint, bearing Bates Stamp Nos. NYC 1-31. In addition, the name, shield, and service address of the New York City Department of Correction Officers involved in the incident described in the complaint are as follows:

1. C.O. James, Shield #10111, ESU, 15-15 Hazen Street, East Elmhurst, NY 11370;
2. C.O. Rivers, Shield #13967, Otis Bantum Correctional Center (OBCC), 16-00 Hazen Street, East Elmhurst, NY 11370;

3. Captain Brown, Shield #324, Otis Bantum Correctional Center (OBCC), 16-00 Hazen Street, East Elmhurst, NY 11370
4. C.O. Singh, Shield #7154¹

While the Court's April 24, 2008 order directed this office to provide the full names of the officers, this office respectfully requests that it be permitted to only provide their last names, since providing their first names may jeopardize the safety of the officers. According to the documents enclosed herewith, the incident alleged in the complaint started when plaintiff allegedly threatened to kill officers James and Rivers. Specifically, plaintiff allegedly stated: "I'm going to put a hit out on you, if I find out where you live. All I need is 10,000 dollars." By providing plaintiff with the first names of Officers Rivers and James, or any other correction officer who plaintiff may wish to do harm, it may assist plaintiff, or people acting on plaintiff's behalf, in finding out where these officers live. This is an especially acute concern in today's age, where information that may reveal these officer's home address may be just a short internet search away. Moreover, the title, last name, proper shield number and service address is enough information for plaintiff to effect service on these individuals and thus plaintiff will not be prejudiced by this request. Accordingly, defendants respectfully request that they be permitted to redact the first names of the officers involved in the incident. In the alternative, defendants request that they be permitted to redact the first names of Officers James and Rivers, who were the subjects of plaintiff's alleged threat. Should the Court deny this request, this office will promptly provide plaintiff with another copy of the enclosed documents, in which the first names of the officers are not redacted.

I thank the Court for its time and consideration of this matter.

6/9/08

Inasmuch as the plaintiff has advised the Court that the quantum of information the Office of the Corporation Counsel has provided is adequate for the purpose of permitting the plaintiff to attempt to effect service of the summons and complaint, the first name of each defendant does not need to be disclosed to the plaintiff at this time.

Respectfully submitted,

Morgan Kunz
Morgan Kunz
Assistant Corporation Counsel

cc: Antoine Gumbs, Plaintiff Pro Se
06-A-5888
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871 (By First Class Mail)

¹ C.O. Singh is no longer employed by DOC. DOC is in the process of ascertaining whether C.O. Singh will authorize the DOC legal division to accept service on her behalf. As soon as this process is complete I will promptly apprise the Court.